

said: We would like to be able to collect all the information, whether or not it is relevant, because some day, under some situation, we may want to analyze that information, and we would like to have it right at hand.

Now, had there been an adversary in this court, the adversary presenting an opposite point of view would have said: Well, not so quick, because there are standards in the case law for relevance. There are standards for what constitutes an authorized investigation. There are certainly standards for what are the means to present evidence to document this. But there was no contrary opinion in this court because the only one arguing the case with no rebuttal and no examination by any group was the government. So we have the government and a judge. That is not really the theory behind the courts. The idea is that we have an examination of an issue with both sides presented so there can be full articulation and full examination of the issues, and then a judge can decide based on full input. But, in this case, we didn't have that input. The government asked for an interpretation that would allow them to do something far different from the plain language of the law, and they got it from this secret court.

So, yes, we do have secret courts, operated with no input, and they disclose no opinions. And yes, we did have a secret law, and that ended yesterday, as it should have.

Thank you, Mr. President.

Mr. BURR. Will the Senator yield for a question?

Mr. MERKLEY. I will yield.

Mr. BURR. I ask unanimous consent for 1 additional minute before the Senate adjourns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. My question to the Senator is this: Did he know the FISA Court existed?

Mr. MERKLEY. The existence of the court—

Mr. BURR. It is a simple yes or no answer. Did the Senator from Oregon know the FISA Court existed?

Mr. MERKLEY. The Senator from North Carolina can ask a question, and I get to answer the question.

Mr. BURR. Well, no, you don't. I asked the question, but I did not yield the Senator from Oregon the time.

Mr. President, regular order.

I don't want to take any more of the Senate's time, and I certainly don't want to take any more of my colleague's time.

The fact is that he knows the court existed. Congress has reauthorized section 215 of the PATRIOT Act. The FISA Court has reauthorized it. They reauthorized it. They are asked every 90 days, and they ruled 41 times to allow section 215 to exist.

Mr. MERKLEY. Mr. President, will my colleague yield for a question?

Mr. BURR. I will be happy to yield for a question.

Mr. MERKLEY. Were the opinions of this court, established by law—and,

yes, it is transparent to the public that the court exists. But the question of secrecy is not one of whether it exists; it is a question of whether the process is open in any feasible way to debate between two points of view. Did the Senator from North Carolina know that the opinions of the court, including interpretations of the law, were never disclosed to the American public and were, in fact, kept secret?

Mr. BURR. I actually do know that.

Mr. MERKLEY. Well, thank you, because that does show that in fact there were secret—

Mr. BURR. The Senator asked his question, and I answered, and I still control the time. Thank you.

Now, clearly, it is evident that if we say something wrong enough times, people start to believe it. It is not a secret court. It is not a secret law. The President knows about it, and Members of Congress know about it. We have voted on it. We know what goes on. Fifteen Members of this body have oversight responsibility over the program. We do our job, and we do it well.

Now, we may disagree with what tools we use to try to defeat terrorism in this country, and clearly the Senator and I have a big canyon between us. But I have to tell my colleagues that America expects the Senate and the Congress of the United States and the President of the United States to defend them. I am going to continue to do everything I can to make sure law enforcement and the intelligence community have the tools to do their job because their job is a big one and the threat is big, and for people to ignore that today is irresponsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, the people of the United States expect the Constitution to be upheld and the principles of the Fourth Amendment. They expect that the law that is passed on this floor will be implemented in an appropriate fashion and consistently, and when it is not, our liberty is diminished, our freedom is diminished, and our privacy is diminished.

Indeed, what we did yesterday with the USA FREEDOM Act was to end a system in which a court, in secrecy, changes the meaning of the law and does not expose it to the American public. That is a very important improvement, taking us back to the democracy that we are all a part of and that we all love.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. today.

Thereupon, the Senate, at 1:21 p.m., recessed until 2:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. TOOMEY).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—Continued

The PRESIDING OFFICER. The Senator from Washington.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 1494 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK

Ms. CANTWELL. Mr. President, I come to the floor, and I know we are talking about the Defense bill. I know my colleagues are trying to work things out as it relates to the Defense bill, but I am just as concerned about the reauthorization of the Export-Import Bank—a credit agency that helps small businesses in the United States of America—which is expiring at the end of this month, June 30.

As we had discussions on the trade promotion authority act, I was very concerned that we were going to be passing trade policy while at the same time allowing very important trade tools to expire. I still remain very concerned about the small businesses that are here in the Capitol today and that have given much testimony at various hearings—yesterday in the Senate Banking Committee and today in the House Financial Services Committee—about the need for this type of credit agency that helps small businesses ship their products to other countries that are new market opportunities for them.

The reason why this is so important is because other countries have credit agencies—if you will, credit insurance. You are a small business. You want to get your products sold in developing markets. You can't find conventional banking or you can find conventional banking but that bank says it is not going to insure these losses. Thus, what has emerged for the United States of America, Europe, China, Asia, many parts of the world, is what is called credit insurance.

That credit insurance takes the conventional banking and says: We will help secure that conventional banking loan. So that if you are a manufacturer in, say, Columbus, OH, making machinery and you are selling that in China, you actually have an opportunity to sell that product, use commercial banking in Ohio, have that guaranteed